

REMARKS

Claims 64-65, 69-70, 86, and 87 are pending in the application. Claims 1-63, 67, 68, 72-79, 82-85 and 88 have been withdrawn from consideration. Claims 64, 86 and 87 have been amended. Claims 66, 71, 80 and 81 have been cancelled. Claims 64-66, 69-71, 80, 81, 86, and 87 have been rejected. Claims presently active are claims 64-65, 69-70, 86, and 87. Favorable reconsideration of the application in view of the following remarks is respectfully requested.

Claims 64-66 and 69-71 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Eddy et al (US 6,159,588). The Examiner states that Eddy et al. teach a fuser member having a base, and a fusing surface layer comprising a fluoroeastomer and filler particles. The filler is made of aluminum with a mean particle diameter of about 1 to 100 microns. The rejection is traversed. Applicants have amended Claim 64 to require that the filler particles be polytetrafluoroethylene. Support for this amendment is found in Claim 81 as originally filed and in the Examples. With this amendment, this rejection is rendered moot as Claim 64 now contains the limitation of Claim 81.

Claims 80, 81, 86, and 87 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Eddy et al. in view of Donnelley et al. The rejection is traversed. The Examiner states, "It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Eddy et al. with plastic filler particles such as polytetrafluoroethylene (PTFE), in light of the teachings of Donnelley et al., in order to reduce offset and mechanical breakdown as suggested by Donnelley et al.". A thorough reading to Eddy and Donnelley would not yield applicants claimed invention. Eddy, at col. 6, lines 25-67 requires a thermally conductive filler be added to the outer fluoropolymer layer. The thermally conductive filler can be a metal oxide, preferably alumina. PTFE is not thermally conductive, thus Eddy teaches away from the present invention. Donnelley, at col. 4, line 71 to col. 5, line 15 teach that fillers for a fixing roller require a low surface energy and that conventional fillers of inorganic oxides have surface energies that are not suitable. Thus, the teaching of Donnelly and Eddy are in

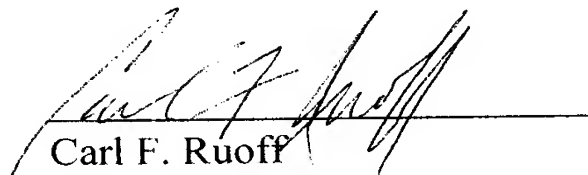
opposition to one another. This does not provide a proper obviousness-type rejection. Therefore, it is the position of Applicants that this rejection be removed.

The Examiner, in dismissing the previous arguments presented by Applicants, points to col. 6, lines 25 and 26. Eddy et al. state that the fillers are added to increase thermal conductivity in the outer layer. This could not occur with nonconductive particles such as PTFE as claimed by Applicants. The Examiner's rejection relies upon ignoring the teaching of Eddy and is therefore not proper.

In view of the foregoing remarks and amendments, Claims 64-65, 69-70, 86, and 87 are now deemed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,


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